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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,586	06/14/2001	Stephen C. Goss		9576

7590 04/26/2004
Werner Ulrich
434 Maple Street
Glen Ellyn, IL 60137-3826

EXAMINER

NGUYEN, JOSEPH D

ART UNIT PAPER NUMBER

2683

5

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,586

Applicant(s)

GOSS ET AL.

Examiner

Joseph D Nguyen

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2683

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara (5,794,156) in view of Friedes et al. (5,311,583).

Regarding claim 1, Alanara discloses a method of establishing a wireless cellular telecommunications call (abstract), comprising the steps of:

- a) originating said call (abstract);
- b) if a radio channel from an originator of said call is available for said call, establishing said call using the available radio channel (abstract, fig. 3-4);
- d) if no radio channel is available from said originator, for said call delays the mobile station originated call until the mobile station terminated call has been completed (abstract, fig. 3-4, col. 5 line 12 thru col. 7 line 48). However, Alanara does not specifically disclose deferring establishment of said call to an assigned time if channel is not available; and establishing said call at said assigned time.

Art Unit: 2683

Friedes et al. teaches deferring (offering the called back option) establishment of said call to an assigned time if channel is not available; and establishing said call at said assigned time (abstract, fig. 4-5, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru 7 line 56). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Alanara system with the teaching of Friedes et al of deferring establishment of said call to an assigned time if channel is not available at origination; and establishing said call at said assigned time in order to provide customer the callback option to later time when channel is available.

Regarding claim 2, Friedes et al. further discloses the method of claim 1, wherein the step of deferring establishment of said call comprises the steps of:

a) notifying said user that no radio channel is available (abstract, fig. 4-5, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru 7 line 56); and

b) receiving a deferred call request from said user (abstract, fig. 3-5, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru 7 line 56).

Regarding claim 3, Friedes et al. further discloses the method of claim 2, wherein the step of negotiating said assigned time between said user and the telecommunications system (the system offers the caller the option of being called back with the estimated that these resources are likely to become available within a predetermined period of time) (abstract, fig. 4-5, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru col. 7 line 56).

Regarding claim 4, Friedes et al. further discloses the step of reserving a channel at said assigned time (when the network resources are available, establishing a connection which means reserving the channel), and calling said user to inform said user that said call can now be attempted (abstract, fig. 4-5, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru col. 7 line 56).

Regarding claim 5, Friedes et al. further discloses the step of reserving a channel comprises the step of paging user in order to located said user (fig. 5-6)

Regarding claim 6, Friedes et al. further discloses the method of claim 4, wherein the step of reserving a channel for said call comprises the step of attempting to reserve a channel for said call for a period of P seconds prior to said assigned time, wherein P is a parameter determined by an operator of said mobile telecommunications system (abstract, fig. 5-6, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru col. 7 line 56).

Regarding claim 7, Friedes et al. further discloses the method of claim 1, wherein the step of attempting to complete said call at said assigned time comprises the steps of: reserving a channel for use by said user at said assigned (abstract, fig. 5-6, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru col. 7 line 56); said system waiting for said user to originate said call (fig. 5, col. 7 line 18-56); if said user originates said call within R seconds, completing said call (fig. 5-6); and if said user does not attempt to originate said call within R seconds, releasing resources reserved for said call (fig. 5).

Regarding claim 8, Friedes et al. further disclose the method of claim 7, wherein the step of reserving a channel comprises the step of paging said user in order to locate said user (#504 fig. 5).

Regarding claim 9, Alanara discloses an apparatus for establishing a wireless telecommunications call (abstract), comprising:

a) processor means for controlling (#34a fig. 2, and fig. 4) to control the following steps:

b) responsive to receipt of an origination request for a call from a mobile station, determining whether a radio channel is available from an originator of said call is available radio channel (abstract, fig. 3-4);

c) if a radio channel from said originator is a from said originator is available for said call, establishing said call using the available radio channel (abstract, fig. 2);

d) if no radio channel is available from said originator, for said call delays the mobile station originated call until the mobile station terminated call has been completed (abstract, fig. 3-4, col. 5 line 12 thru col. 7 line 48). However, Alanara does not specifically disclose deferring establishment of said call to an assigned time if channel is not available; and establishing said call at said assigned time.

Friedes et al. teaches deferring (offering the called back option) establishment of said call to an assigned time if channel is not available; and establishing said call at said assigned time (abstract, fig. 4-5, col. 1 line 54 thru col. 2 line 26, and col. 6 line 32 thru 7

Art Unit: 2683

line 56). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Alanara system with the teaching of Friedes et al. of deferring establishment of said call to an assigned time if channel is not available at origination; and establishing said call at said assigned time in order to provide customer the callback option to later time when channel is available.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

Response to Amendment

3. Applicant's arguments filed 03/02/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Alt Unit: 2683

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label

"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen

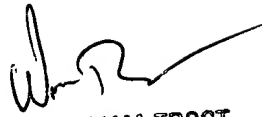
A handwritten signature in black ink, appearing to read 'Joseph Nguyen', is written below the printed name.

Application/Control Number: 09/882,586

Page 9

Aft Unit: 2683

Apr. 21, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600